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SENATE BILL 483

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Shannon Robinson

AN ACT

RELATING TO EMPLOYMENT; CLARIFYING THE DEFINITION OF A LEASED  
WORKER TO ENSURE PROPER CLASSIFICATION AND LICENSING.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 60-13A-2 NMSA 1978 (being Laws 1993,  
Chapter 162, Section 2) is amended to read:

"60-13A-2. DEFINITIONS. -- As used in the Employee Leasing  
Act:

A. "applicant" means a person applying for  
registration as an employee leasing contractor;

B. "client" means a person who obtains workers  
through an employee leasing arrangement;

C. "department" means the regulation and licensing  
department;

D. "employee leasing arrangement" means any

underscored material = new  
[bracketed material] = delete

1 arrangement in which a client contracts with an employee  
2 leasing contractor for the contractor to provide leased workers  
3 to the client; provided, "employee leasing arrangements" does  
4 not include temporary workers;

5 E. "employee leasing contractor" means any person  
6 who provides leased workers to a client in New Mexico through  
7 an employee leasing arrangement;

8 F. "leased worker" means a worker provided to a  
9 client through an employee leasing arrangement; provided that  
10 if a worker has been previously employed by the client prior to  
11 working for an employee leasing contractor, it shall be  
12 presumed that the worker is a leased worker and not a temporary  
13 worker; and further provided that if a worker who is employed  
14 by a temporary employment service or an employee leasing  
15 contractor works and should be classified in any construction  
16 class or in any oil and gas well service or drilling class  
17 pursuant to provisions of or regulations adopted under the New  
18 Mexico Insurance Code, the worker shall be presumed to be a  
19 leased worker and the service that provides the employee shall  
20 comply with the provisions of the Employee Leasing Act;

21 G. "person" means an individual or any other legal  
22 entity; and

23 H. "temporary worker" means a worker hired and  
24 employed by an employer to support or supplement another's work  
25 force in special work situations, such as employee absences,

1 temporary skill shortages, temporary provision of specialized  
2 professional skills, seasonal workloads and special temporary  
3 assignments, including but not limited to the production of  
4 motion pictures, television programs and other commercial media  
5 projects. "

6 Section 2. EFFECTIVE DATE. --The effective date of the  
7 provisions of this act is July 1, 2003.

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